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Docket 83572F-P  
Customer No. 01333

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of

John A. Dane, et al

NETWORKED COMPUTER SYSTEM  
FOR VIEWING AND ORDERING  
PRINTS OF  
PHOTOGRAPHS TAKEN AT AN EVENT

Serial No. 09/529,587

Filed October 16, 1998

Group Art Unit: 2157  
Confirmation No. 2045  
Examiner: Gregory G. Todd

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Alexandria, VA. 22313-1450

Sir:

**APPEAL BRIEF TRANSMITTAL**

Enclosed herewith in triplicate is Appellants' Appeal Brief for the above-identified application.

The Commissioner is hereby authorized to charge the Appeal Brief filing fee to Eastman Kodak Company Deposit Account 05-0225. A duplicate copy of this letter is enclosed.

Respectfully submitted,

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Enclosures

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.

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\_\_\_\_\_  
Paula West

*4-19-05*  
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Date

Sir:

**APPEAL BRIEF PURSUANT TO 37 C.F.R. 41.37 and 35 U.S.C. 134**

## **Table Of Contents**

<u>Table Of Contents</u> .....	i
<u>Real Party In Interest</u> .....	1
<u>Related Appeals And Interferences</u> .....	1
<u>Status Of The Claims</u> .....	1
<u>Status Of Amendments</u> .....	1
<u>Summary of Claimed Subject Matter</u> .....	1
<u>Issues For Review By The Board</u> .....	2
<u>Arguments</u> .....	2
<u>Summary</u> .....	6
<u>Conclusion</u> .....	7
<u>Appendix I - Claims on Appeal</u> .....	8
<u>Appendix II - Evidence (Exhibit A)</u> .....	15
<u>Appendix III – Related Proceedings</u> .....	n/a



## **APPELLANT'S BRIEF ON APPEAL**

Appellants hereby appeal to the Board of Patent Appeals and Interferences from the Examiner's Final Rejection of claims 3-5, 7, 8, 10, 11, 14-20, 23-25, 27, 28, 30-34 which was contained in the Office Action mailed October 19, 2004.

A timely Notice of Appeal was filed on February 22, 2005.

### **Real Party In Interest**

As indicated above in the caption of the Brief, the Eastman Kodak Company is the real party in interest.

### **Related Appeals And Interferences**

No appeals or interferences are known which will directly affect or be directly affected by or have bearing on the Board's decision in the pending appeal.

### **Status Of The Claims**

Claims 3-5, 7, 8, 10, 11, 14-20, 23-25, 27, 28, 30-34 are pending in the application.

Claims 3-5, 7, 8, 10, 11, 14-20, 23-25, 27, 28, 30-34 are rejected.

Claims 3-5, 7, 8, 10, 11, 14-20, 23-25, 27, 28, 30-34 are appealed.

Appendix I provides a clean, double spaced copy of the claims on appeal.

### **Status Of Amendments**

The claims stand as indicated in Appendix I.

### **Summary of Claimed Subject Matter**

The present invention is directed to a method of uploading, storing, accessing electronic photographic images that have been obtained at an event and stored on a server that is accessible over a public communication network. The images stored are accessible by photographers and customers and allow certain individuals such as the photographer or host of the event to an image profiler that allows sequencing and captioning of the photographic images that are to be displayed to individuals having access to the stored images. These individuals are allowed to place orders with respect to the images using a typical browser for ordering of image products associated with the stored electronic images.

### **Issues For Review By The Board**

The following issues are presented for review by the Board of Patent Appeals and Interferences:

1. Whether claims 3-5, 7-8, 10, 14-20, 23-25, 27-28 and 30-34 are patentable under 35 USC § 103(a) over Maniwa (U.S. Patent 5,764,866) in view of Franklin et al. (U.S. Patent 6,125,352) and further in view of Westmoreland Publication (hereinafter referred to as "DMW").

2. Whether claim 11 is patentable under 35 USC § 103(a) over Maniwa in view of Franklin and DMW and further in view of Morag et al. (U.S. Patent 6,058,399).

### **Arguments**

There are three independent claims, claims 32, 33 and 34 upon which the remaining claims depend at least ultimately.

Independent claim 32 is directed to a computer method for storing and saving electronic photographic images. This claim includes providing access to a server having picture memory adapted to store electronic photographic images obtained by a photographer at an event. In this regard, an "event" as set forth in the present application at page 1, lines 18-20 is directed to significant events, such as weddings, graduations, athletic contests, parties or other gatherings. This is consistent with the definition set forth in Webster's II New College Dictionary. See Exhibit A under Appendix II, in particular the definition set forth at 1.b.

Independent claim 32 specifically sets forth that images taken at the event are provided on a server which allows access to the stored images by customers of the photographer. Claim 32 further sets forth that there is provided an order interface providing access to a profiler only by the photographer and/or host of the event. The image profiler is adapted to allow sequencing and captioning of the stored photographic images that are to be displayed to customers of the photographer.

The present invention is directed to photographers that take images at events, such as weddings, graduations, athletic contests or parties or other gatherings with the intent of selling image products to customers and others interested in the event. A problem often encountered with such situations is that after the event only individuals that would be interested in purchasing images go

to geographically disperse location. This often requires the need to physically send proof prints to customers at various locations in order for them to decide which images to purchase. The present invention solves this and many associated problems by providing a system where the photographer captures images and places them into a server where the photographer sequences and labels the images for review by customers over a public network using client browsers. The present invention not only allows this remote access by individuals over a public network, it also provides them in a form i.e. label and sequencing, which makes it easier for the potential purchaser to review the images.

Independent claim 32 further recites that the server is adapted to transact remote payment information with respect to a financial institution for verifying payment of an order placed by the customers.

The primary reference which the Examiner relies upon (the Maniwa reference) is directed to a device for scanning an image to create image data to be transmitted to a specific device to encourage and promote the shared use of a scanner (see column 1, lines 7-16). As can be seen, this is directed to a local area network wherein the various work stations are in direct communication with the scanner (see column 5, lines 57-60). Clearly this reference is not directed where a photographer takes images at an event and stores these as taught and claimed by Applicant. Nor does Maniwa teach or suggest allowing communication over a public network. Quite the contrary, the Maniwa reference teaches away from a public network in that it is directed to the shared use of a scanner in a local area network (LAN). Maniwa also fails to teach or suggest providing of an ordering interface from providing an image filer that is accessible only by the photographer or host of the event which is adapted to sequencing captioning of stored electronic images for display to the customers of the photographer. Further, since there is no ordering Maniwa also fails to teach or suggest the ability to transact remote payment information as taught and claimed by Applicant. Further, since Maniwa is directed to a LAN type system, it would not teach using a browser for purposes of ordering image products as also taught and claimed by Applicant.

The Examiner has attempted to argue that Maniwa discloses images that have been sequenced and labeled as taught and claimed by Applicant and refers to Figures 6 and 9. What is referred to in Maniwa is simply the labeling of image

files for retrieval. The labeling and sequencing of the present invention is directed to providing information with regard to each of the images and the order in which they are to be displayed to the customer of the photographer. The reference to formatting the Maniwa reference is not the same to which the present invention is directed. The formatting of Maniwa is simply the formatting of a digital file for proper storing of the image. In the present invention, the captioning and sequencing relates to the order in which the images are to be shown and the associated caption to be displayed with the images. This is clearly not taught or suggested by Maniwa. There is no teaching or suggestion of providing restricted or limited access with regard to a profiler as taught and claimed by Applicant. Since Maniwa doesn't teach a profiler, it could not teach or suggest the limited access thereto. Further, since there is no ordering in Maniwa it could not teach or suggest providing a server adapted to transact remote payment and verification with a financial institution as claimed by Applicant.

Clearly, the Maniwa reference fails to teach the claimed invention in numerous respects. Further, since it is directed to totally different aspects, i.e. sharing of a scanner among a variety of devices, it could not teach or suggest the invention as taught and claimed by Applicant.

The Examiner has also cited Franklin and Westmoreland to reject the claims in combination with the Maniwa reference. In order to properly combine references there must be some teaching, suggestion or motivation to combine the references. The CAFC stated in *In re Lee* 277 Fed 3<sup>rd</sup> 1338 (61 USPQ 2<sup>nd</sup> 1430) 2002:

"When patentability turns on the question of obviousness, the search for and analysis of the prior art includes evidence relevant to the finding of whether there is a teaching, motivation, or suggestion to select and combine the references relied on as evidence of obviousness ...the central question is whether there is reason to combine [the] references ... The factual inquiry whether to combine references must be thorough and searching." *Id.* "It must be based on objective evidence of record ... Our case law makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references ... there must be some motivation, suggestion, or teaching of the desirability of making the specific combination that was

made by the applicant ... teachings of references can be combined only if there is some suggestion or incentive to do so.”

Applicant respectfully submits there is no teaching or motivation in any of the references cited to make the combination suggested by the Examiner. As previously noted, the Maniwa reference is directed to a device for scanning an image to create an image to be transmitted to a network to which the device is connected. The DMW reference is directed merely to selling of images. The two are totally unrelated and there is no teaching or suggestion in either of the references cited that would suggest a motivation to combine the references as suggested by the Examiner. With regard to the Franklin reference, this reference is directed to a system and method for conducting commerce over a distributed network to manage merchant and product information in an electronic shopping basket. There is no teaching or suggestion why this would be combined with either of the two references as the three references are directed to totally distinct technologies and areas of interest. In any event, none of the cited references teach certain limitations of the claimed invention. In particular, the cited art fails to teach or disclose:

- 1) capturing of images by photographer at an event;
- 2) providing access to an image profiler only by a photographer or host of the event; and
- 3) the ability for the photographer to provide a sequence and captioning of stored electronic photos for display to the customer.

Failure to disclose any one of these claimed elements is basis to overturn the rejection. As previously discussed, there is no teaching, suggestion or motivation to modify any of the references to provide the claimed invention. Accordingly, it is respectfully submitted that independent claim 32 is patentably distinct over the cited art. Likewise the dependent claims are also patentably distinct over the cited prior art.

With regard to independent claim 33, this is directed to a method of remotely uploading, storing, reviewing and adding electronic images on behalf of a customer. This also requires the present invention as with claim 32 storing photographic images in a memory and an order server for remote access by remote customer of a photographer over a public network using a client browser. This claim also, as does claim 32, provide for sequencing and captioning of electronic photo images by the photographer and/or event host for displaying to



customers of said photographer and the displaying of the images to remote customers over a public network in accordance with the sequence and captioning provided. Claim 33 also includes receiving an order and producing hard copy renditions of the stored photographic images. Thus claim 33 is patentably distinct for the same reasons discussed with independent claim 32.

The last independent claim 34 is directed to a computer method for storing and saving electronic photographic images which includes means for accessing a server having picture memory adapted to store electronic photographic images obtained by a photographer at an event and an ordering interface and communication link for allowing communication link over a public network wherein the server allows access to the photographic images stored in memory by the photographer and customers of a photographer. Claim 34, as with claims 32 and 33, also provides interface where allowing access to an image profiler only by the photographer and/or host which is adapted to sequence and caption the stored electronic photographic images for display to the customer as photographed. As with claim 32, the server is adapted to transact remote payment and for verifying payment of an order placed by a customer. Accordingly, it is respectfully submitted that this claim is also patentably distinct for the same reasons discussed with independent claim 32.

Claim 11 is dependent upon claim 33 wherein the fixing of the visual image is obtained by a digital camera. The Examiner cites the Morag reference in this regard. However, the Morag reference does not add anything which would render the independent claim obvious and therefore claim 11 is also patentably distinct for the same reasons previously discussed.


### **Summary**

In summary, Applicant respectfully submits that the present invention is patentable over the cited prior art.

**Conclusion**

For the above reasons, Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the rejection by the Examiner and mandate the allowance of the claims.

Respectfully submitted,

  
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**Enclosures**

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### **Appendix I - Claims on Appeal**

3. The computer method of claim 32 wherein said ordering interface access providing step further comprises providing access to a customer order selector adapted to enumerate and quantify a subset of said electronic photographic images to be produced as said hardcopy renditions.

4. The computer method of claim 32 wherein said ordering interface access providing step further comprises providing access to a customer proofbook adapted to store a subset of said electronic photographic images, wherein said customer proofbook persists between said remote accesses by said customer.

5. The computer method of claim 32 wherein said server access providing step enables transmitting payment corresponding to production of said hardcopy renditions in response to notification from said financial institution.

7. The computer method of claim 32 wherein said server access providing step enables receiving said electronic photographic images from a non-volatile digital media.

8. The computer method of claim 7 wherein said non-volatile digital media is selected from the group consisting of magnetic and optical formats.

10. The method as in claim 33 wherein said translating comprises scanning a visual image into a digital storage format.

11. The method as in claim 33 wherein said fixing comprises using a digital camera to store said visual images therein.

14. The method as in claim 12 wherein said displaying is in response to interactive selecting by said customer through said publicly accessible network.

15. The method as in claim 33 wherein said storing further comprises arranging said electronic photographic images according to an event and said displaying said electronic photographic images occurs selectively according to said event.

16. The method as in claim 33 wherein said displaying is followed by the step of electing a quantitative and qualitative assertion for at least one of said electronic photographic images.

17. The method as in claim 16 wherein said electing further comprises storing at least one of said electronic photographic images in an electronic proofbook.

18. The method as in claim 17 wherein said electronic proofbook is accessible only by said customer.

19. The method as in claim 33 wherein said receiving said order comprises a qualitative and quantitative election with respect to each of said electronic photographic images of said subset.

20. The method as in claim 33 wherein said storing is preceded by the step of remotely altering said electronic photographic images.

23. The computer method of claim 34 wherein said ordering interface access providing means further comprises means for providing access to a customer order selector adapted to enumerate and quantify a subset of said electronic photographic images to be produced as said hardcopy renditions.

24. The computer method of claim 34 wherein said ordering interface access providing means further comprises means for providing access to a customer proofbook adapted to store a subset of said electronic photographic images, wherein said customer proofbook persists between said remote accesses by said customer.

25. The computer method of claim 34 wherein said server access providing means further comprises means for transmitting payment corresponding to

production of said hardcopy renditions in response to notification from said financial institution.

27. The computer method of claim 34 wherein said server access providing means further provides means for receiving said electronic photographic images from a non-volatile digital media.

28. The computer method of claim 27 wherein said non-volatile digital media is selected from the group consisting of magnetic and optical formats.

30. The method of claim 32 further including the step of providing access to stored images for allowing image editing.

31. The method of claim 32 wherein said editing step includes one or more of the steps of categorizing, sorting and titling.

32. A computer method for storing and saving electronic photographic images comprising:

providing access to a server having picture memory adapted to store said electronic photographic images obtained by a photographer at an event, an ordering interface and a communication link for allowing communication over a public network, said server providing access to said electronic photographic images stored in said picture memory by said photographer and customers of said photographer, said ordering interface further providing access to an image profiler

only by said photographer and/or host of said event adapted to sequence and caption said stored electronic photographic images for display to said customers of said photographer;

said server adapted to transact remote payment information with respect to a financial institution for verifying payment of an order placed by said customers of said photographer through said ordering interface; and

wherein said ordering interface is operable to be remotely accessed by said customer of said photographer over said public network using a browser for the purpose of ordering an image product with respect to said stored electronic photographic images.

33. A method of remotely uploading, storing, reviewing, and editing electronic photographic images on behalf of a customer comprising:

fixing visual images on a persistent medium obtained by a photographer at an event;

translating said visual images into electronic photographic images;

transmitting said electronic photographic images to an order server;

sequencing and captioning said electronic photographic images by said photographer and/or event host for display to customers of said photographer;

storing said electronic photographic images on a memory at said order server for remote access by a remote customer of said photographer over a public network using a client browser;

displaying selected electronic photographic images from said memory to said remote customer over said public network in accordance with the sequence and captioning;

receiving an order from said remote customer enumerating a subset of said electronic photographic images; and

producing a hardcopy rendition of said subset of electronic photographic images.

34. A computer method for storing and saving electronic photographic images comprising:

means for providing access to a server having picture memory adapted to storing said electronic photographic images obtained by a photographer at an event, an ordering interface and a communication link for allowing communication over a public network, said server accessed to said electronic photographic images stored in said picture memory by said photographer and customer of said photographer, said ordering interface further providing access to an image profiler only by said photographer and/or host of said event adapted to sequence and caption said stored electronic photographic images for display to said customer of said photographer;

said server adapted to transact remote payment information with respect to a financial institution for verifying payment of an order placed by said customer of said photographer through said ordering interface; and

wherein said ordering interface is operable to be remotely accessed by said customer of said photographer over said public network using a browser



for the purpose of ordering an image product with respect to said stored electronic photographic images.

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Appendix II - Evidence

Exhibit A

Riverside



Webster's II  
*New College*  
Dictionary

MORE THAN 200,000 clear, concise definitions

THOUSANDS of examples of words in actual use

NEW ENTRIES from *acupressure* to *Z particle*

UPDATED biographical and geographical sections

HUNDREDS of synonyms and word histories

FEATURES on usage, style, spelling, and more

eutrophic • ever

**eu-troph-ic** (yoo-trōf'ik, -trōf'ik) *adj.* [Prob. < G. *Eutroph* < Gk. *eutrophos*, well-nourished < *eutrophein*, to thrive: *eu-*, well + *trophein*, to nourish.] Designating a body of water in which the increase of mineral and organic nutrients has reduced the dissolved oxygen, producing an environment that favors plant over animal life.

**eu-troph-i-ca'tion** n. — **eu'troph-y** (yoo'trōfē) n.  
**eux-e-nite** (yook'sə-nit') n. [G. *Euxenit* < Gk. *euxenos*, kind to strangers: *eu-*, good + *xenos*, stranger (so called because the mineral contains unusual elements).] A lustrous blackish-brown mineral consisting of cerium, erbium, titanium, uranium, and yttrium.

**e-vac-u-ant** (i-vāk'yoo-ant) *adj.* Causing evacuation of an organ, esp. the bowels. — **e-vac'u-ant** n.

**e-vac-u-ate** (i-vāk'yoo-āt') v. — **-at-ed**, — **-at-ing**, — **-ates**. [Lat. *evacuare*, *evacuāt*, to empty out: *ex-*, out + *vacuus*, empty < *vacare*, to be empty.] — *vt.* 1. a. To empty or remove the contents of. b. To create a vacuum in. 2. To discharge or excrete (waste matter), esp. from the bowels. 3. a. To relinquish military possession or occupation of (e.g., a town). b. To withdraw (troops or inhabitants) from a dangerous area. 4. To depart from: *VACATE* < hurriedly evacuated the building > — *vi.* 1. To vacate a place or area, esp. a threatened area. 2. To excrete waste matter from the body. — **e-vac'u-a'tor** n.

**e-vac-u-a-tion** (i-vāk'yoo-ā'shən) n. 1. The act of evacuating or state of being evacuated. 2. a. Excretion of waste materials from the excretory passages, esp. from the bowels. b. The material thus discharged.

**e-vac-u-ee** (i-vāk'yoo-ē') n. One evacuated from a hazardous area.

**e-vade** (i-vād') v. — **e-vad-ed**, — **e-vad-ing**, — **e-vades**. [OFr. *evader* < Lat. *evadere*: *ex-*, out + *vadere*, to go.] — *vt.* 1. To escape or avoid by cunning. 2. a. To avoid the performance or fulfillment of <evaded their responsibilities> b. To fail to make payment of <evaded import duty> 3. To avoid giving a direct answer to. 4. To elude or baffle <The error evades explanation> — *vi.* To use cunning in avoiding or escaping. — **e-vad'a-ble**, — **e-vad'i-ble** *adj.* — **e-vad'er** n.

**e-vag-i-nate** (i-vāj'ā-nāt') v. — **-nat-ed**, — **-nat-ing**, — **-nates**. [Lat. *evaginare*, *evagināt*, to unsheath: *ex-*, from + *vagina*, sheath.] — *vi.* To turn inside out by eversion of an inner surface of a bodily part or organ. — *vt.* To cause (a bodily part) to turn inside out. — **e-vag'i-na'tion** n.

**e-val-u-ate** (i-vāl'yoo-āt') *vt.* — **-at-ed**, — **-at-ing**, — **-ates**. [Back-formation < E. *evaluation* < Fr. *évaluation* < OFr. *evaluation* < *evaluer*, to evaluate: *e-*, out (< Lat. *ex*) + *value*, value. — see *VALUE*.] 1. To determine or fix the value of. 2. To examine carefully: APPRAISE. 3. *Math.* To calculate or set down the numerical value of. — **e-val'u-a'tion** n.

**e-v-a-n-esce** (ēv'ā-nēs') *vi.* — **-neced**, — **-neced-ing**, — **-neced-es**. [Lat. *evanescere*, to vanish: *ex-* (intensive) + *vanescere*, to disappear < *vanus*, empty.] To dissipate like vapor. — **e-v'a-nēs'cence** n.

**e-v-a-n-es-cent** (ēv'ā-nēs'ant) *adj.* Vanishing or apt to vanish: FLEETING. — **e-v'a-nēs'cent-ly** *adv.*

**e-van-gel** (i-vān'jəl) n. [ME *evangelie* < LLat. *evangelium* < Gk. *euangelion*, good news < *euangelos*, bringing good news: *eu-*, good + *angelos*, messenger.] 1. The Christian gospel. 2. An evangelist.

**e-van-gel-i-cal** (ēv'ān-jəl'ikāl, ēv'ān-) *adj.* 1. Of, relating to, or in accordance with the Christian gospel, esp. the four Gospels of the New Testament. 2. Protestant. 3. Of, relating to, or being a Protestant group emphasizing the authority of the gospel and holding that salvation is from faith and grace rather than from good works and sacraments alone. 4. *Evangelical*. Of or relating to the Evangelical Church in Germany. 5. Relating or belonging to the Low Church party of the Church of England. — **e-van-gel-i-cal-ly** *adv.*

**e-van-gel-i-cal-ism** (ēv'ān-jəl'ikāl'iz'm, ēv'ān-) n. 1. Evangelical beliefs or doctrines. 2. Adherence to a church or party professing evangelical beliefs or doctrines.

**e-van-gel-ism** (i-vān'jəl'iz'm) n. 1. Zealous preaching and dissemination of the gospel, as through missionary work. 2. Militant zeal for a cause.

**e-van-gel-ist** (i-vān'jəl'ist) n. 1. *often Evangelist*. An author of any of the four New Testament Gospels. 2. A person who practices evangelism, esp. a Protestant preacher or missionary. — **e-van-gel-is'tic** *adj.* — **e-van-gel-is'ti-cal-ly** *adv.*

**e-van-gel-ize** (i-vān'jəl'iz') v. — **-ized**, — **-iz-ing**, — **-izes**. — *vt.* 1. To preach the gospel to. 2. To convert to Christianity. — *vi.* To preach the gospel. — **e-van-gel-i-z'a'tion** n. — **e-van-gel-iz'er** n.

**e-vap-o-ra-ble** (i-vāp'ō-rā-bəl) *adj.* Capable of being evaporated. — **e-vap'o-ra-bil'i-ty** n.

**e-vap-o-rate** (i-vāp'ō-rāt') v. — **-rat-ed**, — **-rat-ing**, — **-rates**. [ME *evaporaten* < Lat. *evaporare*: *ex-*, out + *vapor*, steam.] — *vt.* 1. a. To convert into a vapor. b. To draw off in the form of vapor. 2. To draw moisture from, leaving only the dry solid portion. 3. To deposit (a metal) on a substrate by vacuum sublimation. — *vi.* 1. a. To change into vapor. b. To pass off in or as if in vapor. 2. To produce vapor. 3. To disappear: vanish <Our financial worries evaporated> — **e-vap'o-ra'tion** n. — **e-vap'o-ra'tive** *adj.* — **e-vap'o-ra'tive-ly** *adv.*

**e-vap'o-ra-tiv'i-ty** (i-vāp'ō-rā-tiv'i-tē) n. — **e-vap'o-ra'tor** n.

**evaporated milk** n. Concentrated, unsweetened milk made by evaporating some of the water from whole milk.

**e-vap-o-rite** (i-vāp'ō-rīt') n. [EVAPOR(ATION) + (-ITE)] A sedimentary deposit resulting from the evaporation of sea water. — **e-vap'o-rite** (-rit'ik) *adj.*

**e-vas-ion** (i-vā'zhən) n. [ME *evasioun* < OFr. *evasion* < LLat. *evasio* < Lat. *evadere*, to evade.] An act or means of evading.

**e-vas-ive** (i-vā'siv) *adj.* 1. Marked by or displaying evasion. 2. Intentionally ambiguous or vague: EQUIVOCAL <an evasive proposition> — **e-vas'ive-ly** *adv.* — **e-vas'ive-ness** n.

**eve** (ēv) n. [ME < OE *æfen*.] 1. The evening or day preceding a special day, as a holiday. 2. The period just preceding a certain event: a wedding.

**e-vec-tion** (i-vēk'shən) n. [Lat. *evectio*, a going up < *evēhere*, to raise up: *ex-*, up from + *vehere*, to carry.] Solar perturbation of the lunar orbit. — **e-vec'tion-al** *adj.*

**e-ven'** (ē'vən) *adj.* [ME < OE *æfen*.] 1. a. Having a horizontal surface: FLAT <an even road> b. Having no irregularities, roughness, or indentations: SMOOTH. 2. Having the same plane or line: LEVEL. 3. Having no variations or fluctuations: UNIFORM <an even rhythm> 4. Uniform thickness or distribution <an even coat of paint> 5. Equally matched or balanced <an even contest> 6. Equal or identical in degree, extent, or amount. 7. Having equal probability <an even chance of winning> 8. a. Having an equal score <The Red Sox and the Yankees are even> b. Having equal for each opponent. — Used of the scores. 9. Neither owing nor being owed <paid me back and we were even> 10. Having exacted full revenge. 11. a. *Math.* Exactly divisible by 2. b. Marked or indicated by a number exactly divisible by 2. 12. a. Having an even number in a series. b. Having an even number of members. 13. Having an exact extent, amount, or number <an even dozen> — *adv.* 1. To a greater extent or degree. — Used as an intensive <an even worse insult> 2. At the same time as: JUST. 3. In spite of: NOTWITHSTANDING <Even with all their experience, I won the match> 4. Indeed: moreover. — Used as an intensive <looked sad, even depressed> 5. To a degree that extends to <courteous even unto death> — *vt.* & *vi.* **e-vened**, — **e-ven-ing**, — **e-vens**. To make or become even. — **break even**. Informal. To have neither gains nor losses. — **get even**. To exact a full measure of revenge. — **e'ven-ly** *adv.* — **e'ven-ness** n.

**e-ven²** (ē'vən) n. [ME < OE *æfen*.] Archaic. Evening: twilight.

**e-ven-fall** (ē'vān-fōl') n. The beginning of evening: TWILIGHT.

**e-ven-hand-ed** (ē'vān-hān'did) *adj.* Dealing equitably with all: IMPARTIAL. — **e'ven-hand'ed-ly** *adv.* — **e'ven-hand'ed-ness** n.

**e-ven-ing** (ēv'ning) n. [ME < OE *æfnung* < *æfnian*, to become evening < *æfen*, evening.] 1. The period of decreasing daylight between afternoon and night. 2. a. The period between sunset and bedtime. b. This period occupied in a given manner <an evening at the movies> 3. A time or period of decline <in the evening of my life> — *adj.* **evenings**. Regularly or habitually in the evening.

**evening dress** n. Clothing, esp. formal clothing, worn for evening social events.

**evening gown** n. A woman's usu. long formal dress worn esp. in the evening.

**Evening Prayer** n. A daily evening service in the Anglican Church.

**evening primrose** n. A North American plant of the genus *Oenothera*, with four-petaled flowers that open in the evening.

**evening star** n. A planet, esp. Venus or Mercury, that crosses the local meridian before midnight and is prominent in the west shortly after sunset.

**evening stock** n. A Eurasian plant, *Mathiola bicornis*, with sweet-smelling purple flowers that bloom at night.

**e-ven-song** (ē'vān-sōng', -sōng') n. 1. A song sung in the evening. 2. A vesper service. 3. Archaic. Evening. 4. Evening Prayer.

**e-vent** (i-vēnt') n. [Lat. *eventus* < *evenire*, to happen: *ex-*, out + *venire*, to come.] 1. a. Something that takes place: OCCURRENCE, b. A significant occurrence <a literary event> 2. The actual outcome of a final result. 3. One of the items in a program of sports. 4. *Physics*. A coincidence of two or more point objects at a particular position in space at a particular instant of time, regarded as the fundamental observational entity in relativity theory. — **at all events**. In any case. — **in any event**. In any case. — **in the event**. If it should happen.

**e-vent-ful** (i-vēnt'fəl) *adj.* 1. Full of events <an eventful year> 2. Momentous: important <an eventful occurrence> — **e-vent'ful-ly** *adv.* — **e-vent'ful-ness** n.

**e-ven-tide** (ē'vān-tid') n. [ME < OE *æfentid*: *æfen*, evening + *tid*, time.] Evening.

**e-ven-tu-al** (i-vēn'chōo-əl) *adj.* [ < *EVENT*.] 1. Taking place at an unspecified future time: ULTIMATE <their eventual success> 2. Dependent on circumstance: CONTINGENT. — **e-ven'tu-al-ly** *adv.*

**e-ven-tu-al-i-ty** (i-vēn'chōo-āl'i-tē) n. pl. — **-ties**. Something that may take place: POSSIBILITY.

**e-ven-tu-ate** (i-vēn'chōo-āt') *vi.* — **-at-ed**, — **-at-ing**, — **-ates**. To result ultimately.

**ev-er** (ēv'ər) *adv.* [ME < OE *æfre*.] 1. At all times: ALWAYS <was ever polite> 2. At any time <Have you ever been arrested?> 3. In any

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